

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
WEDNESDAY, SEPTEMBER 5, 2001**

PRESENT: Walter L. Alcorn, Commissioner At-Large  
John R. Byers, Mount Vernon District  
Joan M. DuBois, Dranesville District  
Janet R. Hall, Mason District  
Suzanne F. Harsel, Braddock District  
John B. Kelso, Lee District  
Ronald W. Koch, Sully District  
Ilryong Moon, Commissioner At Large  
John M. Palatiello, Hunter Mill District  
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Peter F. Murphy, Jr., Springfield District  
Linda Q. Smyth, Providence District

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The meeting was called to order at 8:15 p.m. by Vice Chairman John R. Byers.

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**COMMISSION MATTERS**

Vice Chairman Byers congratulated Commissioner Hall for her recent promotion at the Department of Justice and welcomed new Planning Commission Office employee Virginia Ruffner, Management Analyst II.

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RZ-2000-MV-066 - SOUTH STATION LLC  
FDP-2000-MV-066 - SOUTH STATION LLC  
PCA-1996-MV-037-4 - SOUTH STATION LLC (Decisions Only)

(The public hearing on these applications was held on July 18 and 19, 2001. A complete verbatim transcript of the decisions made is included in the date file.)

Commissioner Byers MOVED THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS APPROVE PCA-1996-MV-037-4.

Commissioner Kelso seconded the motion which carried by a vote of 9-0-1 with Commissioner Palatiello abstaining; Commissioners Murphy and Smyth absent from the meeting.

Commissioner Byers MOVED THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS APPROVE RZ-2000-MV-066, SUBJECT TO EXECUTION OF PROFFERS CONSISTENT WITH THOSE DRAFT PROFFERS DATED 21 AUGUST 2001.

Commissioner Kelso seconded the motion which carried by a vote of 9-0-1 with Commissioner Palatiello abstaining; Commissioners Murphy and Smyth absent from the meeting.

Commissioner Byers MOVED THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS APPROVE MODIFICATION OF THE TRANSITIONAL SCREENING YARD REQUIREMENTS ALONG THE EASTERN BOUNDARY OF THE CHURCH TO ALLOW PLANTINGS REQUIRED IN TRANSITIONAL SCREENING YARD 1 TO BE PLANTED IN AN AREA THAT IS 35 FEET WIDE; THE MODIFICATION OF THE TRANSITIONAL SCREENING YARD REQUIREMENTS ALONG THE WESTERN AND SOUTHERN BOUNDARIES OF THE CHURCH TO REFLECT THE CDP AND FDP; AND A WAIVER OF THE BARRIER REQUIREMENTS ON ALL BOUNDARIES OF THE CHURCH.

Commissioner Kelso seconded the motion which carried by a vote of 9-0-1 with Commissioner Palatiello abstaining; Commissioners Murphy and Smyth absent from the meeting.

Commissioner Byers MOVED THE PLANNING COMMISSION RECOMMEND THE BOARD APPROVE THE REQUESTED WAIVER OF THE MAXIMUM LENGTH OF A RESIDENTIAL PRIVATE STREET IN ACCORDANCE WITH THE PROVISIONS OF SECTION 11-302 OF THE ZONING ORDINANCE.

Commissioner Kelso seconded the motion which carried by a vote of 8-1-1 with Commissioner Wilson opposed; Commissioner Palatiello abstaining; Commissioners Murphy and Smyth absent from the meeting.

Commissioner Byers MOVED THE PLANNING COMMISSION APPROVE FDP-2000-MV-066, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED AUGUST 23, 2001 AND THE BOARD'S APPROVAL OF PCA-1996-MV-037-4 AND RZ-2000-MV-066.

Commissioner Kelso seconded the motion which carried by a vote of 9-0-1 with Commissioner Palatiello abstaining; Commissioners Murphy and Smyth absent from the meeting.

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Secretary Harsel reminded the Commission that the Development Criteria Review Committee would meet on Thursday, September 6, 2001 at 6:30 p.m. in the Board Conference Room.

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Secretary Harsel announced that the Housing Committee meeting scheduled for Wednesday, September 19, 2001 had been cancelled and that the next meeting of that Committee would be Wednesday, October 10, 2001 at 7:30 p.m.

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Commissioner Palatiello reminded the Commission that the Policy and Procedures Committee would meet on Wednesday, September 12, 2001 at 7:30 p.m. in the Board Conference Room.

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ORDER OF THE AGENDA

Secretary Harsel set the following order for the agenda:

1. ZONING ORDINANCE AMENDMENT (Commonly Accepted Pets)
2. RZ/FDP-2001-MA-017 - IVY DEVELOPMENT, LC
3. SEA-85-L-110-4 - VERESTAR, INC.

This order was accepted without objection.

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ZONING ORDINANCE AMENDMENT (Commonly Accepted Pets) –  
To amend Chap. 112 as follows: Revise the definition of commonly accepted pets to include African pygmy hedgehogs and hermit crabs.  
PUBLIC HEARING.

Ms. Lorrie Kirst, Zoning Administration Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the language outlined on page 3 of the staff report.

Ms. Kirst responded to questions from Commissioner Moon regarding the approximate size and weight of African pygmy hedgehogs, the likelihood of hermit crabs carrying bacteria harmful to humans, and how other jurisdictions in the area regulated these animals as pets.

In response to questions from Commissioners Moon and Hall, Ms. Kirst said that this proposed Ordinance Amendment was prepared by staff at the request of the Board of Supervisors.

In response to questions from Commissioner Koch, Ms. Kirst said that the possibility that an escaped pair of hedgehogs would breed and multiply in the wild in northern Virginia was extremely low due to their low tolerance to cold weather.

ZONING ORDINANCE AMENDMENT  
(Commonly Accepted Pets)

September 5, 2001

In response to questions from Commissioner Byers, Mr. Earl Hodnett, a wildlife biologist with the Animal Control Division of the Police Department, explained that African pygmy hedgehogs were probably singled out for this amendment to avoid a situation where native wild hedgehogs could be exploited. He said that he did not know who would be liable if a pet hedgehog became infected with rabies and passed it on to a human.

In response to questions from Commissioners Wilson, DuBois, Alcorn, Hall, and Palatiello, Ms. Kirst explained that hedgehogs would be kept indoors and that they could be purchased from breeders. Mr. Hodnett explained that neither hedgehogs nor hermit crabs were an endangered species and that he had no reservations about adding these animals to the list of commonly accepted pets.

Vice Chairman Byers called for speakers on this matter and recited the rules for public testimony.

Dr. Arthur Trask, 8835 Ashgrove House Lane, Vienna, spoke in favor of the proposed amendment. He said that African pygmy hedgehogs made excellent pets.

There being no further speakers, no further comments or questions from the Commission and Ms. Kirst having no closing staff remarks, Vice Chairman Byers closed the public hearing and recognized Commissioner Moon for action on this case. (Verbatim excerpts are in the date file.)

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Commissioner Moon MOVED TO RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE PROPOSED ZONING ORDINANCE AMENDMENT DEALING WITH THE DEFINITION OF COMMONLY ACCEPTED PETS AS OUTLINED IN THE STAFF REPORT DATED JULY 9, 2001.

Commissioner Wilson seconded the motion which carried unanimously with Commissioners Murphy and Smyth absent from the meeting.

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RZ/FDP-2001-MA-017 - IVY DEVELOPMENT, LC - Appls. to rezone from R-2 & HC to PDH-8 & HC to permit residential development at a density of 5.1 du/ac & approval of the conceptual & final development plans on property located on the S. side of Little River Tnpk., approx. 600 ft. W. of the intersection of Columbia Rd. & Little River Tnpk. on approx. 7.65 ac. Comp. Plan Rec: 1-2 & 5-8 du/ac. Tax Map 71-2((1))27.  
MASON DISTRICT. PUBLIC HEARING.

Lynne Strobel, Esquire, with Walsh, Colucci, Stackhouse, Emrich & Lubeley, reaffirmed the affidavit dated August 31, 2001. There were no disclosures by Commission members.

Mr. Fran Burns, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

Commissioner Hall announced her intention to defer decision on this case.

Mr. Burns responded to questions from Commissioner Harsel regarding trails, unit sizes, water and sewer easements, building heights, open space, stormwater management, parking and individual garages.

Commissioner Hall commented that while it was true that some sports utility vehicles (SUVs) were too large to fit in some garages, she assumed that a family that owned such a vehicle would consider that when in the process of purchasing a home.

In response to questions from Commissioner Hall, Mr. Burns confirmed that the open space to be preserved on site would remain in its natural state.

In response to questions from Commissioner Harsel, Mr. Burns explained that there were very few trees on the eastern edge of the property, that there would be two tot lots on the subject property for a time, and that the pavement of the private streets would be built to public street specifications.

Ms. Strobel explained that the applicant proposed 39 single family attached dwelling units with a resulting density of 5.1 dwelling units per acre (du/ac) which was at the lower end of the density range recommended in the Comprehensive Plan of 5 to 8 du/ac. She stated that the applicant had worked with citizens in the area and the Mason District Land Use Advisory Committee to address their concerns, including buffering, preservation of existing vegetation and pedestrian access. In conclusion, she said that the applicant planned a high quality residential development and would provide an appropriate transitional use for the area.

Ms. Strobel and Mr. Paul Jeannin, with Planning and Development Services, responded to questions from Commissioners Byers, Hall, Wilson, and Harsel about garage sizes, building heights, parking, stream management, tree preservation, and restrictions on the conversion of garages to living space.

Vice Chairman Byers called the only listed speaker for this case.

Ms. Delores "Dee Dee" Payne, 3806 Chanel Road, Annandale, explained that she was speaking on behalf of her parents, Francis and Elaine Payne, 4628 Columbia Road, Annandale, abutting the subject property. She said that her parents were satisfied with the buffering to be provided,

but had concerns about the size of the proposed townhouses. She noted that the development plan indicated a maximum width of 26 feet, but did not state a minimum width. She added that Ms. Strobel had informed her that the applicant would commit to a minimum of 1800 square feet of finished living space per unit; however, this was considerably less than shown on the development plan. Ms. Payne also stated that her parents wished to request that the units have at least 2400 square feet of finished living space and a brick, stone or masonry facade in the rear.

Ms. Payne responded to questions from Commissioners Byers, Harsel and Hall regarding her parents' requests.

There being no further speakers, Vice Chairman Byers called upon Ms. Strobel for a rebuttal statement.

Ms. Strobel explained that the proposed units would be approximately 52 feet from adjacent property lines and that screening would be provided within that area. She added that staff had been opposed to the applicant proffering to a minimum square footage because it was felt it would be exclusionary. She said that the applicant would be happy to work with staff and Ms. Payne to reach a compromise regarding minimum widths.

In response to questions from Commissioner Byers, Mr. Steve Banister, agent for Ivy Development, LC, explained that all units would be 36 feet deep, the interior units would be 24 feet wide, and end units would be 26 feet wide. He explained that there was an ongoing debate in the development community as to what constituted "finished living space," so the applicant would prefer not to make commitments in that regard in order to avoid problems with future interpretation of the term.

In response to questions from Commissioner Hall, Ms. Strobel reiterated the minimum and maximum building footprints.

In response to questions from Commissioner Hall, Mr. Banister stated that the applicant intended to use vinyl siding on the rear facades, but would be willing to investigate the possibility of alternate facade materials for those homes closest to the Paynes. Commissioner Hall suggested that the applicant work with the Paynes to reach a compromise and notify her when one had been reached.

There being no further comments or questions from the Commission and Mr. Burns having no closing staff remarks, Vice Chairman Byers closed the public hearing and recognized Commissioner Hall for a deferral motion. (Verbatim excerpts are in the date file.)

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Commissioner Hall MOVED THAT WE DEFER DECISION TO A DATE CERTAIN OF SEPTEMBER 19, 2001, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN COMMENTS.

Commissioner Koch seconded the motion which carried unanimously with Commissioners Murphy and Smyth absent from the meeting.

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SEA-85-L-110-4 - VERESTAR, INC. - Appl. under Sect. 5-504 of the Zoning Ord. to amend SE-85-L-110 previously approved for satellite earth stations to permit bldg. addition, installation of new satellite pads & site modifications on property located at 6461 Stephenson Way on approx. 4.71 ac. zoned I-5. Tax Map 80-2((9))D. MASON DISTRICT. PUBLIC HEARING.

Benjamin Tompkins, Esquire, with Hazel and Thomas, reaffirmed the affidavit dated August 27, 2001. There were no disclosures by Commission members.

Commissioner Hall asked that Vice Chairman Byers ascertain whether there were any speakers for this application. There being none, she asked that presentations by staff and the applicant be waived and the public hearing closed. No objections were expressed, therefore Vice Chairman Byers closed the public hearing and recognized Commissioner Hall for action on this case. (Verbatim excerpts are in the date file.)

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Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA-85-L-110-4, SUBJECT TO THE DEVELOPMENT CONDITIONS REVISED AUGUST 31, 2001.

Commissioner Kelso seconded the motion which carried unanimously with Commissioners Murphy and Smyth absent from the meeting.

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS AND MODIFICATION OF THE BARRIER REQUIREMENT ALONG THE SOUTHERN PROPERTY BOUNDARY IN FAVOR OF THAT SHOWN ON THE SE PLAT AND AS CONDITIONED.

Commissioner Kelso seconded the motion which carried unanimously with Commissioners Murphy and Smyth absent from the meeting.

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The meeting was adjourned at 9:30 p.m.  
Peter F. Murphy, Jr., Chairman  
Suzanne F. Harsel, Secretary

CLOSING

September 5, 2001

For a verbatim record of this meeting, reference may be made to the audio and video recordings which may be found in the Office of the Planning Commission of Fairfax County, Virginia.

Minutes by: Gloria L. Watkins

Approved on: March 12, 2003

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Mary A. Pascoe, Clerk to the  
Fairfax County Planning Commission